

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DREVERRON KELLEY,

Defendant.

CASE NO. 2:23-cr-00080-LK

ORDER CONTINUING TRIAL
DATE AND EXTENDING
PRETRIAL MOTIONS DEADLINE

This matter comes before the Court on the Defendant Drevonn Kelley's Unopposed Motion to Continue Trial Date. Dkt. No. 29. Mr. Kelley moves to continue the trial date from March 11, 2024 to October 7, 2024, and "to reschedule the pretrial motions deadline to a date no later than sixty days before the trial date." *Id.* at 1, 4. The Government does not oppose Mr. Kelley's motion. *Id.* at 1, 4.

On May 10, 2023, a federal grand jury indicted Mr. Kelley with Unlawful Possession of a Firearm and Unlawful Possession of Ammunition in violation of 18 U.S.C. § 922(g)(1); Possession of a Controlled Substance with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B); and Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of

1 18 U.S.C. § 924(c)(1)(A)(i). Dkt. No. 1 at 1–3. He pleaded not guilty to all counts and was
2 subsequently ordered detained following a hearing before United States Magistrate Judge S. Kate
3 Vaughan. Dkt. Nos. 10, 15–16. On June 28, 2023, the Court granted Mr. Kelley’s first unopposed
4 motion to continue trial and the pretrial motions deadline, Dkt. No. 21, and on October 17, 2023,
5 the Court granted his second unopposed motion for a continuance, continuing the trial to March
6 11, 2024 and extending the pretrial motions deadline to January 29, 2024, Dkt. No. 26 at 3.

7 Mr. Kelley now seeks a third continuance, based in large part on his substitute counsel’s
8 recent appearance in this case. Dkt. No. 29 at 1–2; *see* Dkt. No. 28 (granting Mr. Kelley’s motion
9 to substitute attorney). Defense counsel represents that she “just received” four productions of
10 discovery in this case and “has not begun reviewing” these materials due to another trial that began
11 earlier this month and is expected to last until mid-February. Dkt. No. 29 at 2. “Given that defense
12 counsel must review discovery and discuss with Mr. Kelley prior to any pretrial motion deadline
13 or trial,” Mr. Kelley claims that “a March 2024 trial date is unrealistic.” *Id.* In short, additional
14 time is needed to “review discovery, draft pretrial motions, and prepare for trial.” *Id.* at 3. Mr.
15 Kelley has filed a speedy trial waiver “knowingly, and with advice of counsel,” waiving his right
16 to a speedy trial through December 31, 2024. Dkt. No. 30 at 1.

17 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
18 granting a continuance outweigh the best interest of the public and Mr. Kelley in any speedier trial.
19 Specifically, the Court finds that failure to grant the requested continuance would likely result in
20 a miscarriage of justice and would deny defense counsel the reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence, due to counsel’s need for more time
22 to review discovery, consult with her client, investigate pretrial motions and defenses, engage in
23 plea negotiations, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that
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1 the additional time requested is a reasonable period of delay and will be necessary to provide
2 counsel and Mr. Kelley reasonable time to accomplish the above tasks.

3 For these reasons, the Court GRANTS Mr. Kelley's motion, Dkt. No. 29, and ORDERS
4 that the trial date for Mr. Kelley shall be continued from March 11, 2024 to October 7, 2024, and
5 that the pretrial motions deadline shall be continued to August 8, 2024. It is further ORDERED
6 that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date of this Order
7 to the new trial date is EXCLUDED when computing the time within which Mr. Kelley's trial
8 must commence under the Speedy Trial Act.

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10 Dated this 29th day of January, 2024.

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12 Lauren King
13 United States District Judge
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